

Embassy of Canada



Ambassade du Canada

501 Pennsylvania Avenue, N.W.
Washington, D.C. 20001

December 4, 2007

The Honorable Dirk Kempthorne
Secretary of the Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Kempthorne,

I am writing to you regarding the Red River Valley Water Supply Project, North Dakota, for which the Bureau of Reclamation (USBR) and the Garrison Conservancy District have proposed an inter-basin diversion of the Missouri River. I understand that you are about to make a decision on the Final Environmental Impact Statement for this project. I would like to emphasize the Government of Canada's objection to an inter-basin diversion.

The Government of Canada's views about the Red River Valley Water Supply Project were most recently set out in its April, 2007 response to the supplemental draft environmental impact statement (attached). This response identifies a set of questionable assumptions that have misinformed analysis to date concerning population growth, future water demand and achievable conservation measures, and therefore casts serious doubt on the appropriateness of an inter-basin diversion. Yet it is an inter-basin diversion that has been identified by the USBR and the State of North Dakota as the preferred supply alternative.

The Government of Canada discourages selection of any of the inter-basin supply alternatives in the absence of improved analysis. Similarly, the Government discourages selection, funding or a proposal to construct a biota treatment system for any inter-basin supply option that does not meet or exceed the biota treatment goals identified for the preferred alternative in the supplemental draft environmental impact statement. The Government of Canada would not support either development and would engage the International Joint Commission in the light of the outstanding Garrison Diversion Unit obligations owed by the United States, and the very real potential for transboundary harm flowing from an inter-basin diversion.

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As you are aware, the Garrison Diversion Unit - which is substantially reprised by the Red River Valley Water Supply Project - was halted following review and recommendations by the International Joint Commission in 1977. The International Joint Commission established a set of conditions and obligations regarding future efforts to divert water between basins. The Commission was principally concerned about the possibility of unintended and irreversible harm due to invasive species transfer brought about by the artificial connection of two major drainage basins. For the Red River Valley Water Supply Project, the preferred alternative identified by the USBR and the State of North Dakota again envisions just such a connection from the Missouri River into the Sheyenne and Red Rivers.

The matter of biota transfer is a central concern for the Government of Canada, which is pleased at least that the USBR has found that a high level of water treatment would be required for an inter-basin diversion. However, I would note in this regard that the *Boundary Waters Treaty* prohibits pollution in rivers flowing across the international boundary to the injury of health or property on the other side. An inter-basin diversion is an option that presents a high risk of transboundary harm, contrary to the express commitments of the *Treaty*. Greater consideration, based on sound science, must be given to lower-risk alternatives that would meet the demands of the service area from in-basin sources.

In closing, I would like to underline the long-standing offer from the Government of Canada to work with the relevant agencies in the United States to find a mutually acceptable approach to address water demands in the region. That offer remains very much open.

Yours sincerely,



Michael Wilson
Ambassador

cc: Secretary Condoleezza Rice, U.S. Department of State
Chairman James Connaughton, White House Council on Environmental Quality
Administrator Stephen Johnson, U.S. Environmental Protection Agency
Commissioner Robert W. Johnson, U.S. Bureau of Reclamation
Premier Gary Doer, Government of Manitoba